

Negative Declaration / Initial Environmental Study

1. **Project Title:** LAFCO's Agricultural Mitigation Policies
2. **Lead Agency Name and Address:**
Local Agency Formation Commission of Santa Clara County
70 West Hedding Street
11th Floor, East Wing
San Jose, CA 95110
3. **Contact Person, Phone Number, E-Mail:** Dunia Noel, Analyst at (408) 299-5148 or dunia.noel@ceo.sccgov.org.
4. **Property Location:** The project would apply to all unincorporated properties in Santa Clara County
5. **Project Sponsor's Name and Address:**
Local Agency Formation Commission of Santa Clara County
70 West Hedding Street
11th Floor, East Wing
San Jose, CA 95110
6. **General Plan Designation(s):** All designations in unincorporated Santa Clara County
7. **Zoning:** All zoning districts in unincorporated Santa Clara County
8. **Description of the Project:** Adoption of LAFCO's Agricultural Mitigation Policies (see attached "Project Description" below)
9. **Surrounding Land Uses and Setting:** not applicable (applies to all unincorporated properties in Santa Clara County)
10. **Other public agencies whose approval is required:** none
11. **Other Project Assumptions:** The Initial Study assumes compliance with all applicable State, Federal, and Local Codes and Regulations including, but not limited to, County of Santa Clara Standards, the California Building Code, the State Health and Safety Code, and the State Public Resources Code.

Project Description:

The Project is the adoption of LAFCO's Agricultural Mitigation Policies.

LAFCO's mission is to discourage urban sprawl, preserve open space and prime agricultural lands, promote the efficient provision of government services and encourage the orderly formation of local agencies. LAFCO will consider impacts to agricultural lands along with several other factors in its evaluation of proposals. LAFCO's existing Urban Service Area (USA) Amendment Policies discourage premature conversion of agricultural lands, guide development away from existing agricultural lands and require the development of existing vacant lands within city boundaries prior to conversion of additional agricultural lands. In those cases where LAFCO proposals involve conversion of agricultural lands, LAFCO's existing USA Amendment Policies require an explanation for why the inclusion of agricultural lands is necessary and how such loss will be mitigated.

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ALTERNATE COMMISSIONERS: Pete McHugh, Chuck Reed, Terry Trumbull, Roland Velasco

EXECUTIVE OFFICER: Neelima Palacherla

The proposed Agricultural Mitigation Policies are intended to provide guidance to property owners, potential applicants and cities on how to address agricultural mitigation for LAFCO proposals and to provide a framework for LAFCO to evaluate and process in a consistent manner, LAFCO proposals that involve or impact agricultural lands. The policies include LAFCO's recommendations on how mitigation should be provided; variations from these policies should be accompanied by information explaining the adequacy of the proposed mitigation.

The proposed policies use the Cortese Knox Hertzberg Act's definition of prime agricultural land which is defined as agricultural land that meets any of the following qualifications:

- Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
- Land that qualifies for rating 80 through 100 Storie Index Rating.
- Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.
- Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

The proposed policies recommend that proposals involving the conversion of prime agricultural lands should provide mitigation at a not less than 1:1 ratio (1 acre preserved for every acre converted), along with the payment of the necessary funds as determined by the city/agricultural conservation entity (whichever applies) to cover the costs of program administration, land management, monitoring, enforcement and promotion of agriculture on the mitigation lands. The proposed policies provide three options including acquisition and transfer of agricultural land or acquisition and transfer of agricultural conservation easements to an agricultural conservation entity for permanent protection of the agricultural land or payment of in-lieu fees to an agricultural conservation entity sufficient to fully fund the acquisition of agricultural lands or agricultural conservation easements for permanent protection and cost of administering, managing, monitoring and enforcing the agricultural use of the lands or agricultural conservation easements, as well as the costs of promoting agriculture on the mitigation lands.

Under the proposed policies, agricultural mitigation should result in the preservation of land that would be prime agricultural land of substantially similar quality and character as measured by the Average Storie Index rating and the Land Capability Classification rating, located within the city's sphere of influence boundary in an area planned/envisioned for agriculture and would preferably promote the definition or creation of a permanent urban/agricultural edge. Therefore, agricultural mitigation lands will likely be located on unincorporated lands where agriculture is an existing use and/or where agriculture is an allowed use pursuant to local zoning and land use regulations.

The proposed policies also encourage cities with LAFCO proposals impacting adjacent agricultural lands to adopt measures to preserve adjoining agricultural lands, to prevent their premature conversion to other uses, and to minimize potential conflicts between the proposed urban development and adjacent agricultural uses.

The proposed policies provide guidance on the timing and fulfillment of agricultural mitigation as well as for the type of information and assurances in the plan for mitigation that should be submitted to LAFCO with proposals involving agricultural lands.

Lastly, LAFCO's approval of a boundary change is subject to a separate environmental review process. This separate environmental review process will occur prior to and as part of LAFCO's application review process for LAFCO proposals.

ATTACHMENT:

A. Proposed Agricultural Mitigation Policies (February 2007)

ENVIRONMENTAL FACTORS PONTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is still a "Potentially Significant Impact"(after any proposed mitigation measures have been adopted) as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Resources / Recreation | <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | | <input checked="" type="checkbox"/> None |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Neelima Palacherla

Date

2/28/07

Printed name

NEELIMA PALACHERLA

For

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

A. AESTHETICS					
WOULD THE PROJECT:	IMPACT				SOURCES
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4, 6a,17f
b) Substantially damage scenic resources along a designated scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 6a, 17f
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4
e) If subject to ASA, be generally in non-compliance with the Guidelines for Architecture and Site Approval?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11
f) If subject to Design Review, be generally in non-compliance with the Guidelines for Design Review Approval?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,12
g) Be located on or near a ridgeline visible from the valley floor?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,17n

DISCUSSION:

The proposed project is LAFCO's adoption of Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands. No development is being proposed. The project would not damage scenic resources along a designated scenic highway since there is no proposed development. Implementation of the Policies would result in the preservation of agricultural land that is either already in agricultural production or capable of producing agricultural commodities and upon which the applicable zoning and land use regulations allow an agricultural use. All mitigation lands would be in the rural unincorporated areas of Santa Clara County where agricultural and other low-intensity uses prevail. Therefore, use of such lands for agricultural purposes would not cause any significant visual impacts compared to the existing environment.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would have no visual impacts.

B. AGRICULTURE RESOURCES					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Convert 10 or more acres of farmland classified as prime in the report <i>Soils of Santa Clara County</i> to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,23,24,26
b) Conflict with existing zoning for agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9,21a
c) Conflict with an existing Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,26

DISCUSSION:

The project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands. The proposed policies are intended to reduce the impacts to or loss of agricultural lands. No development is being proposed. The proposed project would not convert any prime farmland to a non-agricultural use. The proposed project would not conflict with existing zoning for agricultural use and would not conflict with an existing Williamson Act contract.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would have no adverse impact to agricultural resources.

C. AIR QUALITY					
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5,28
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5,29
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5,29

d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5,29
e) Create objectionable odors or dust affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5,21, 29, 47

DISCUSSION:

The proposed project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands. No development is being considered at this time. The mitigation lands would consist of lands that are either already in agricultural production or capable of producing agricultural commodities and upon which agricultural use is allowed under the applicable zoning and land use regulations. While it is expected that some of the mitigation lands will already be in agricultural production, adoption of the Policies could result in the commencement of agricultural production on lands that are not currently used for agricultural production. Any use of mitigation lands for agricultural purposes would be done in compliance with all applicable air quality regulations. All mitigation lands would be in the rural, unincorporated areas of Santa Clara County where agricultural and other low-intensity uses prevail; thus, any odors or dusts associated with farming the mitigation lands would not affect a substantial number of people.

FINDING:

The adoption LAFCO's Agricultural Mitigation Policies would not cause any significant air quality impacts.

D. BIOLOGICAL RESOURCES					
WOULD THE PROJECT:	IMPACT				SOURCES
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
*Questions relating to the California Department of Fish & Game "no effect determination" for the CEQA Filing Fee Exemption are listed in italics.					
a) <i>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 7, 17b, 17o
b) <i>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3,7, 8a, 17b, 17e, 33
c) <i>Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) or tributary to an already impaired water body, as defined by section 303(d) of the Clean Water Act through direct removal, filling, hydrological interruption, or other means?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 7, 17n, 32
d) <i>Have a substantial adverse effect on oak woodland habitat as defined by Oak Woodlands Conservation Law – (conversion/loss of oak woodlands)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

e) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,7, 17b, 17o
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4
g) Conflict with any local policies or ordinances protecting biological resources:					
i) Tree Preservation Ordinance [Section C16]?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,31
ii) Wetland Habitat [GP Policy, R-RC 25-30]?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 8a
iii) Riparian Habitat [GP Policy, R-RC 31-41]?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 8a,

DISCUSSION:

The proposed project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands. The mitigation lands would consist of lands that are either already in agricultural production or capable of producing agricultural commodities and upon which agricultural use is allowed under the applicable zoning and land use regulations. While it is expected that some of the mitigation lands are likely to already be in agricultural production, adoption of the Policies could result in the commencement of agricultural production on lands that are not currently used for agriculture.

The mitigation lands would be located in unincorporated Santa Clara County, which is subject to the land use/development jurisdiction of the County of Santa Clara. Pursuant to the County's grading ordinance, grading associated with converting land from non-agricultural to agricultural use that entails at least 150 cubic yards requires a grading permit. The County's grading permit process is a discretionary permit process that is subject to CEQA. Therefore, any potentially significant impacts associated with commencing agricultural use on mitigation lands would be subject to further review and, if necessary, mitigation under CEQA before the use would be allowed. This process would also ensure that any new agricultural use that entails more than modest soil disturbance would be evaluated for potential impacts to biological resources.

Furthermore, The County of Santa Clara, Santa Clara County Valley Water District, and the cities of Gilroy, Morgan Hill, and San Jose have initiated a collaborative process to prepare and implement a joint Habitat Conservation Plan (HCP/NCCP) to promote the recover of endangered species while accommodating planned development and infrastructure. These agencies, in association with regulatory wildlife agencies including the U.S. Fish and Wildlife Service, California Department of Fish and Game, and NOAA-National Marine Fisheries Service, are developing a long-range plan to protect and enhance ecological diversity and function with more than 500,000 acres of Santa Clara County. If the Santa Clara HCP/NCCP is approved by participating Wildlife Agencies, incidental take permits will be issued for a list of projects and activities identified within the Plan as likely to occur during the permit term. These activities are expected to include urban and rural development activities that are consistent with current city and County land use plans; maintenance and development of public infrastructure (water, transportation, etc.); activities within streams; and management and monitoring activities within habitat reserve lands. The Plan and any permits issued as a result of the Plan approval will ensure that there are adequate mitigations for impacts to biological resources associated with the various activities.

With the passing of the Oak Woodlands Conservation Law, local government agencies must now determine whether or not a project may result in a conversion of oak woodlands that will have a significant effect. If there may be a significant effect, they must employ one or more of the following mitigation measures: conserving oaks through the use of conservation easements; planting and maintaining an appropriate number of trees either onsite or in restoration of a former oak woodlands

(tree planting is limited to half the mitigation requirement); contributing funds to the Oak Woodlands Conservation Fund for the purpose of purchasing conservation easements; or other mitigation measures developed by the county.

However, this requirement does not apply to conversion of oak woodlands on agricultural land "that includes land that is used to produce or process plant and animal products for commercial purposes" (this would include grazing lands). As explained above, some of the mitigation lands are expected to already be in agricultural production. Any conversion of land to agricultural uses that involves grading of at least 150 cubic yards requires a grading permit. The County's grading permit process is a discretionary permit process that is subject to CEQA. Therefore, any potentially significant impacts associated with commencing agricultural use on mitigation lands would be subject to further review and, if necessary, mitigation under CEQA before the use would be allowed. Therefore, adoption of the Policies is expected to have a less-than-significant impact on oak woodlands.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would have less-than-significant impacts to biological resources or to oak woodland resources.

E. CULTURAL RESOURCES					
WOULD THE PROJECT	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 of the CEQA Guidelines?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3, 16, 19, 40, 41
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5 of the CEQA Guidelines?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3, 19, 40, 41,
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3,4,,40,41
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 40,41
e) Change or affect any resource listed in the County Historic Resources Database?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16

DISCUSSION:

The proposed project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands. It is expected that some of the mitigation lands will already be in agricultural production and that the nature of the agricultural use(s) on these lands would not change so there would be no potential impacts to cultural resources. For the remaining mitigation lands that are not currently in agricultural production, there could be additional soil disturbance associated with commencing agricultural activities on these lands. The majority of agriculture in Santa Clara County involves very shallow soil disturbance (e.g., vegetable crops). A small percentage of agricultural production in the County involves uses that cause significant soil disturbance (e.g., grape vines).

The mitigation lands would be located in unincorporated Santa Clara County, which is subject to the land use/development jurisdiction of the County of Santa Clara. Pursuant to the County's grading ordinance, grading associated with the conversion of land to agricultural purposes that exceeds 150 cubic yards requires a grading permit. The County's grading permit process is a discretionary permit

process that is subject to CEQA. Therefore, any potentially significant impacts associated with commencing agricultural use on mitigation lands would be subject to further review and, if necessary, mitigation under CEQA before the use would be allowed. Therefore, adoption of the Policies is expected to have a less-than-significant impact on cultural or historic resources.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would have less-than-significant impacts to cultural resources.

F. GEOLOGY AND SOILS					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6, 17L, 43
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6, 17c, 18b
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6, 17c, 17n, 18b
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6, 17L, 118b
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6, 2, 3
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 3, 17c, 23, 24, 42
d) Be located on expansive soil, as defined in the report, <i>Soils of Santa Clara County</i> , creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	14, 23, 24,
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 6, 23, 24,
f) Cause substantial compaction or over-covering of soil either on-site or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3, 6
g) Cause substantial change in topography or unstable soil conditions from excavation, grading, or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 3, 6, 42

DISCUSSION:

The proposed project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands. No review of erosion impacts is required at this time. No development is being proposed.

It is expected that some of the mitigation lands will already be in agricultural production. For the remaining mitigation lands that are not currently in agricultural production, there could be additional soil disturbance associated with commencing agricultural activities on these lands.

The mitigation lands would be located in unincorporated Santa Clara County, which is subject to the land use/development jurisdiction of the County of Santa Clara. Pursuant to the County's grading ordinance, grading associated with converting land from non-agricultural to agricultural use that entails at least 150 cubic yards requires a grading permit. The County's grading permit process is a discretionary permit process that is subject to CEQA. Therefore, any potentially significant impacts associated with commencing agricultural use on mitigation lands would be subject to further review and, if necessary, mitigation under CEQA before the use would be allowed. This process would also ensure that any new agricultural use that entails more than modest soil disturbance would be evaluated for potential impacts to geology/soils resources and those impacts would be appropriately mitigated.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would have less-than-significant impacts related to geology, erosion, or soils.

G. HAZARDS & HAZARDOUS MATERIALS					
WOULD THE PROJECT	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 3, 5
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	46
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	47
e) For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or in the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 22a
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5, 48
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4

h) Provide breeding grounds for vectors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5
i) Proposed site plan result in a safety hazard (i.e., parking layout, access, closed community, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3
j) Involve construction of a building, road or septic system on a slope of 30% or greater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 17n
k) Involve construction of a roadway greater than 20% slope for a distance of 300' or more?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 17n

DISCUSSION:

The proposed project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands. Any use of hazardous materials on mitigation lands would be subject to numerous state and local laws and regulations. Compliance with these regulatory requirements will ensure that any impacts will be mitigated to less-than-significant levels.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would have less than significant impacts to public health and safety.

H. HYDROLOGY AND WATER QUALITY					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	34, 36
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3, 4
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3, 17n
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site? (Note policy regarding flood retention in watercourse and restoration of riparian vegetation for West Branch of the Llagas.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3
e) Create or contribute increased impervious surfaces and associated runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5, 36, 21a

	polluted runoff?					
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 18b, 18d
h)	Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 18b, 18d
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 3, 4
j)	Be located in an area of special water quality concern (e.g., Los Gatos or Guadalupe Watershed)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4, 6a,
k)	Be located in an area known to have high levels of nitrates in well water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4
l)	Result in a septic field being constructed on soil where a high water table extends close to the natural land surface?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3
m)	Result in a septic field being located within 50 feet of a drainage swale; 100 feet of any well, water course or water body or 200 feet of a reservoir at capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3

DISCUSSION:

The proposed project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands.

It is expected that some of the mitigation lands will already be in agricultural production and that the nature of the agricultural use(s) on these lands would not change so there would be no increase in the use of water resources for these lands or any other new impacts to hydrology and water resources related to the continued use of these lands for agricultural purposes. For the remaining mitigation lands that are not currently in agricultural production, there could be additional water use and water quality impacts associated with commencing agricultural activities on these lands.

The mitigation lands would be located in unincorporated Santa Clara County, which is subject to the land use/development jurisdiction of the County of Santa Clara. Pursuant to the County's grading ordinance, grading associated with converting land from non-agricultural to agricultural use that entails at least 150 cubic yards requires a grading permit. The County's grading permit process is a discretionary permit process that is subject to CEQA. Therefore, any potentially significant impacts to hydrology and water quality associated with commencing agricultural use on mitigation lands would be subject to further review and, if necessary, mitigation under CEQA before the use would be allowed. This process would also ensure that any new agricultural use would be evaluated for potential impacts to hydrology/water resources and that those impacts would be appropriately mitigated.

With regard to potential water quality impacts, there are a variety of state and local laws and regulations related to the protection of water quality. Compliance with these regulatory requirements will ensure that any impacts will be mitigated to a less-than-significant level.

With respect to items (c), (d) and (e), these issues would be addressed through the County's grading permit process described above in the "Geology and Soils" section.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would have a less-than-significant impact on hydrology and water quality.

I. LAND USE					
		IMPACT			SOURCE
WOULD THE PROJECT:		YES		NO	
		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 2, 4
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 8a, 9, 18a

DISCUSSION:

The proposed project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on the timing and fulfillment of agricultural mitigation as well as for the type of information and assurances in the plan for mitigation that should be submitted to LAFCO with proposals involving agricultural lands.

Under the proposed Policies, agricultural mitigation should result in preservation of land that would be:

- Prime agricultural land of equivalent quality and character as measured by the Average Storrie Index rating and the Land Capability Classification rating, and
- Located within the city's sphere of influence in an area planned/envisioned for agriculture, and
- Would preferably promote the definition or creation of a permanent urban/agricultural edge.

Therefore, agricultural mitigation lands will be located on unincorporated County lands where agriculture is already an existing use and/or where agriculture is allowed under the County's existing General Plan and zoning/land use regulations. The proposed project will not divide an established community or conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

No specific development is proposed at this time. If grading, or any other types of development applications are considered, the agency with land use planning and permitting authority shall conduct further environmental review and shall cover evaluation of impacts to land use at that time.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would have no impact on land use or zoning regulations.

J. NOISE					
WOULD THE PROJECT:	IMPACTS				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8a, 13, 22a, 45
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	13
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 5
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 5
e) For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or private airstrip would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 22a

DISCUSSION:

The proposed project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands. While it is expected that some of the mitigation lands will already be in agricultural production, adoption of the Policies could result in the commencement of agricultural production on lands that are not currently used for agricultural production. All mitigation lands would be in the rural, unincorporated areas of Santa Clara County where agricultural and other low-intensity uses prevail; thus, any noise associated with farming the mitigation lands would not affect a substantial number of people. Compliance with the County noise ordinance will also ensure that any new agricultural uses that are undertaken will not have a significant noise impact.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would have less than significant noise impacts.

K. POPULATION AND HOUSING					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 6
b) Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 4

DISCUSSION:

The proposed project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands. No development is being proposed. No new infrastructure or services are being proposed. The proposed project would not alter or increase growth in the area. No housing would be displaced either. If grading, or any other types of development applications are considered, the agency with land use planning and permitting authority shall conduct further environmental review and shall cover evaluation of impacts to population and housing at that time.

Adoption of LAFCO's Agricultural Mitigation Policies will not induce growth in the unincorporated County. One city has asserted that, because the County of Santa Clara does not have agricultural mitigation policies, and individuals could develop within the unincorporated County without having to provide agricultural mitigation, rather than annexing to and developing in the City and potentially having to provide mitigation for their project's impact to prime agricultural land. The city has asserted that adoption of the Policies will result in additional sprawling development in the unincorporated area and concurrent reduction of land inventory eligible for agricultural mitigation purposes. The city has also asserted that a 20-unit subdivision, with 5-acre lots would have no land mitigation requirements if built in the County. However, if this same development were proposed to be annexed to the City of San Jose, for example, with a request to expand the City's USA to provide sewer connections and other City services to the development; that development would be subject to LAFCO's proposed Policies.

These concerns are very speculative because under the County, Cities, and LAFCO Joint Urban Development Policies, the County does not allow urban development or provide urban services in the unincorporated area. The County's existing General Plan and zoning/land development regulations also protect and preserve agricultural lands from incompatible development. The minimum lot sizes in the County are 5 to 20 acres in the Rural Residential Zone, 20 acres in the Agricultural Medium Scale Zone and 40 acres in the Agricultural Large Scale Zone. Developers would evaluate whether the type of project that they want to develop can be completed in the unincorporated County and then they would have to weigh the cost of purchasing that much acreage in the unincorporated County against the cost of acquiring agricultural mitigation land through an agricultural easement or in fee title. In light of the County's density restrictions, it is highly unlikely that a developer would determine that it is more economically advantageous to develop the same number of dwelling units in the unincorporated area (without access to urban services and relying on on-site sewer and water services) as it would be to develop within a city.

The highest-density rural General Plan and Zoning designation in the County General Plan for rural unincorporated areas (outside of existing Urban Service Areas) is "Rural Residential," which has a

density of 5-20 acres per dwelling depending on average slope. For example, where average slope of a parcel is 10% or less, 5 acres would be the allowed density per dwelling and the minimum lot size. According to the County General Plan Land Use map and Planning Office staff, within the City of San Jose's Sphere of Influence, the only notable Rural Residential Land Use designated lands are in the East foothills of the Diablo Range and portions of the South Almaden Valley Urban Reserve (SAVUR). The unincorporated New Almaden Community also has a Rural Residential Land Use designation, but there is little or no subdivision potential there. County Planning Office staff know of no developable lots under the Rural Residential designation within the East foothills or SAVUR that are of the necessary size (100 to 150+ acres) or minimum slope (10-15%) to allow a 20-unit subdivision that would conform with the General Plan and Zoning Ordinance. Furthermore, most of the unincorporated Rural Residential lands are already so substantially divided that the potential for new subdivisions is extremely limited, except for portions of San Martin. The other major base General Plan designations for rural unincorporated areas, Agriculture-Medium Scale, Agriculture-Large Scale, Ranchlands, and Hillside, have allowable densities of at least 20 acres per dwelling or more. The potential for such rural residential development on existing lots currently exists and is driven by existing economics; therefore, it is not an impact of the proposed project.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would not impact population and housing.

L. PUBLIC SERVICES					
WOULD THE PROJECT:	IMPACT				
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
i) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5
ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5
iii) School facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5

DISCUSSION:

The project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands. No development is being proposed. The proposed project would neither require any expansion of nor substantially alter government facilities, and the provision of public services.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would not impact the provision of or result in the need for new public services (i.e. fire, police, schools, parks, etc.).

M. RECREATION AND MINERAL RESOURCES						
		IMPACT				SOURCE
WOULD THE PROJECT:		YES			NO	
		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a)	Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 6, 44
b)	Result in the loss of availability of a locally-important mineral resource recovery site as delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 6,8a
c)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 4, 5
d)	Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 5
e)	Be on, within or near a public or private park, wildlife reserve, or trail or affect existing or future recreational opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17h, 21a
f)	Result in loss of open space rated as high priority for acquisition in the "Preservation 20/20" report?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	27

DISCUSSION:

The proposed project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands. The proposed project would not require the construction of additional recreational facilities nor substantially increase the use of existing recreational facilities. No development is being proposed.

The mitigation lands would be located in unincorporated Santa Clara County, which is subject to the land use/development jurisdiction of the County of Santa Clara. Pursuant to the County's grading ordinance, grading associated with the conversion of land to agricultural purposes that exceeds 150 cubic yards requires a grading permit. The County's grading permit process is a discretionary permit process that is subject to CEQA. Therefore, any potentially significant impacts associated with commencing agricultural use on mitigation lands would be subject to further review and, if necessary, mitigation under CEQA before the use would be allowed. This process would also ensure that any new agricultural use would be evaluated for potential impacts to recreation and mineral resources and that those impacts would be appropriately mitigated.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would have less-than-significant impacts to recreation and mineral resources.

N. TRANSPORTATION / TRAFFIC					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4, 5, 6, 7, 49, 53
b) Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6, 49, 50, 53
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5, 6, 7, 53
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 5, 6, 7, 53
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5, 48, 53
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	52, 53
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8a, 21a
h) Not provide safe access, obstruct access to nearby uses or fail to provide for future street right of way?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 6, 7, 53

DISCUSSION:

The proposed project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands. No development is proposed at this time. The mitigation lands would consist of lands that are either already in agricultural production or capable of producing agricultural commodities and upon which agricultural use is allowed under the applicable zoning and land use regulations. While it is expected that some of the mitigation lands will already be in agricultural production, adoption of the Policies could result in the commencement of agricultural production on lands that are not currently used for agricultural production. The commencement of agricultural production on lands that are not currently used for agricultural production would likely increase farm related traffic. This impact would be less-than-significant.

Pursuant to the County's grading ordinance, grading associated with the conversion of land to agricultural purposes that exceeds 150 cubic yards requires a grading permit. The County's grading permit process is a discretionary permit process that is subject to CEQA. Therefore, any potentially significant impacts associated with commencing agricultural use on mitigation lands would be subject to further review and, if necessary, mitigation under CEQA before the use would be allowed. This process would also ensure that any new agricultural use would be evaluated for potential impacts to transportation/traffic resources and that those impacts would be appropriately mitigated. This would include an evaluation of adequate site access to and from the property, generation of traffic, and parking requirements for the proposed land uses.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would have less-than-significant impacts to transportation/traffic.

O. UTILITIES AND SERVICE SYSTEMS					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5,
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 21a, 38
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
d) Require new or expanded entitlements in order to have sufficient water supplies available to serve the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5, 21,
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5
f) Not be able to be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5
g) Be in non-compliance with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5, 6

DISCUSSION:

The proposed project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands. No development is proposed at this time and therefore there will be no need for new or additional utilities and there will be no impacts to existing capacity of service systems.

The mitigation lands would be located in unincorporated Santa Clara County, which is subject to the land use/development jurisdiction of the County of Santa Clara. Pursuant to the County's grading ordinance, grading associated with the conversion of land to agricultural purposes that exceeds 150 cubic yards requires a grading permit. The County's grading permit process is a discretionary permit process that is subject to CEQA. Therefore, any potentially significant impacts associated with commencing agricultural use on mitigation lands would be subject to further review and, if necessary, mitigation under CEQA before the use would be allowed. This process would also ensure that any new agricultural use would be evaluated for potential impacts to utilities and service systems and that those impacts would be appropriately mitigated.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would have less-than-significant impacts to utilities and service systems.

P. MANDATORY FINDING OF SIGNIFICANCE					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
*Questions relating to the California Department of Fish & Game "no effect determination" for the CEQA Filing Fee Exemption are listed in italics.	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) <i>Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 to 53
b) Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 to 53
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1 to 53

DISCUSSION:

The proposed project is the adoption of LAFCO's Agricultural Mitigation Policies. The proposed policies provide guidance on how to address agricultural mitigation for LAFCO proposals that involve or impact agricultural lands. No development is proposed at this time. The mitigation lands would consist of lands that are either already in agricultural production or capable of producing agricultural commodities and upon which agricultural use is allowed under the applicable zoning and land use regulations. While it is expected that some of the mitigation lands are likely to already be in agricultural production, adoption of the Policies could result in the commencement of agricultural production on lands that are not currently used for agriculture.

The mitigation lands would be located in unincorporated Santa Clara County, which is subject to the land use/development jurisdiction of the County of Santa Clara. Pursuant to the County's grading ordinance, grading associated with converting land from non-agricultural to agricultural use that entails at least 150 cubic yards requires a grading permit. The County's grading permit process is a discretionary permit process that is subject to CEQA. Therefore, any potentially significant impacts associated with commencing agricultural use on mitigation lands would be subject to further review and, if necessary, mitigation under CEQA before the use would be allowed. This process would also ensure that any new agricultural use that entails more than modest soil disturbance would be evaluated for potential impacts to biological resources.

This project would have a less than significant potential to substantially reduce the habitat of a fish or wildlife species, to cause a fish or wildlife population to drop below self sustaining levels, to threaten to eliminate a plant or animal community, and to reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. As previously discussed in the biological resources section and the cultural resources section, the adoption of LAFCO's Agricultural Mitigation Policies would have less-than-significant impacts to biological resources and cultural resources.

FINDING:

The adoption of LAFCO's Agricultural Mitigation Policies would have less-than-significant impacts to any environmental resource. The project will not significantly degrade the quality of the environment, or have substantial adverse effects on human beings directly or indirectly. The proposed project would not have any potentially significant cumulatively considerable impacts. On the basis of this Initial Study, a Negative Declaration shall be prepared for this project.

Initial Study Source List*

1. Environmental Information Form
2. Field Inspection
3. Project Plans
4. Analyst's Knowledge of Area
5. Experience With Other Projects of This Size and Nature
6. County Expert Sources: Geologist, Fire Marshal, Roads & Airports, Environmental Health, Land Development Engineering, Parks & Recreation, Zoning Administration, Comprehensive Planning, Architectural & Site Approval Committee Secretary
7. Agency Sources: Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, Midpeninsula Open Space Regional District, U.S. Fish & Wildlife Service, CA Dept. of Fish & Game, Caltrans, U.S. Army Core of Engineers, Regional Water Quality Control Board, Public Works Depts. of individual cities, Planning Depts. of individual cities,
 - 8a. Santa Clara County (SCC) General Plan
 - 8b. The South County Joint Area Plan
 9. SCC Zoning Regulations (Ordinance)
 10. County Grading Ordinance
 11. SCC Guidelines for Architecture and Site Approval
 12. SCC Development Guidelines for Design Review
 13. County Standards and Policies Manual (Vol. I - Land Development)
 14. Table 18-1-B of the Uniform Building Code [1994 version]
 15. Land Use Database
 16. Santa Clara County Heritage Resource (including Trees) Inventory [computer database]
 17. GIS Database
 - a. SCC General Plan Land Use, and Zoning
 - b. Natural Habitat Areas & Riparian Plants
 - c. Relative Seismic Stability
 - d. Archaeological Resources
 - e. Water Resources & Water Problems
 - f. Viewshed and Scenic Roads
 - g. Fire Hazard
 - h. Parks, Public Open Space, and Trails
 - i. Heritage Resources
 - j. Slope Constraint
 - k. Serpentine soils
 - l. State of California, Alquist-Priolo Earthquake Fault Zones, and County landslide & fault zones
 - m. Water Problem/Resource
 - n. USGS Topo Quad, and Liquefaction
 - o. Dept. of Fish & Game, Natural Diversity Data
 - p. FEMA Flood Zones
18. Base Map Overlays & Textual Reports (GIS)
 - a. SCC Zoning
 - b. Barclay's Santa Clara County Locaide Street Atlas
 - c. Color Air Photos (MPSI)
 - d. Santa Clara Valley Water District - Maps of Flood Control Facilities & Limits of 1% Flooding
 - e. Soils Overlay Air Photos
 - f. "Future Width Line" map set
19. CEQA Guidelines [Current Edition]

Area Specific: San Martin, Stanford, and Other Areas

San Martin

- 20a. San Martin Integrated Design Guidelines
- 20b. San Martin Water Quality Study
- 20c. Memorandum of Understanding (MOU) between Santa Clara County & Santa Clara Valley Water District

Stanford

- 21a. Stanford University General Use Permit (GUP), Community Plan (CP), Mitigation and Monitoring Reporting Program (MMRP) and Environmental Impact Report (EIR)
- 21b. Stanford Protocol and Land Use Policy Agreement

Other Areas

- 22a. ALUC Land Use Plan for Areas Surrounding Airports [1992 version]
- 22b. Los Gatos Hillside Specific Area Plan
- 22c. County Lexington Basin Ordinance Relating to Sewage Disposal

Soils

23. USDA, SCS, "Soils of Santa Clara County"
24. USDA, SCS, "Soil Survey of Eastern Santa Clara County"

Agricultural Resources/Open Space

25. Right to Farm Ordinance
26. State Dept. of Conservation, "CA Agricultural Land Evaluation and Site Assessment Model"
27. Open Space Preservation, Report of the Preservation 2020 Task Force, April 1987 [Chapter IV]

Air Quality

28. BAAQMD Clean Air Plan (1997)
29. BAAQMD Annual Summary of Contaminant Excesses & BAAQMD, "Air Quality & Urban Development - Guidelines for Assessing Impacts of Projects & Plans" [1999]

Biological Resources/

Water Quality & Hydrological Resources/ Utilities & Service Systems"

30. Site-Specific Biological Report
31. Santa Clara County Tree Preservation Ordinance Section C16
32. Clean Water Act, Section 404
33. Riparian Inventory of Santa Clara County, Greenbelt Coalition, November 1988
34. CA Regional Water Quality Control Board, Water Quality Control Plan, San Francisco Bay Region [1995]
35. Santa Clara Valley Water District, Private Well Water Testing Program [12-98]
36. SCC Nonpoint Source Pollution Control Program, Urban Runoff Management Plan [1997]
37. County Environmental Health / Septic Tank Sewage Disposal System - Bulletin "A"
38. County Environmental Health Department Tests and Reports
39. Calphotos website:
<http://www.elib.cs.berkeley.edu/photos>

Initial Study Source List*

Archaeological Resources

- 40. State Archaeological Clearinghouse, Sonoma State University
- 41. Site Specific Archaeological Reconnaissance Report**

Geological Resources

- 42. Site Specific Geologic Report**
- 43. State Department of Mines and Geology, Special Report #42
- 44. State Department of Mines and Geology, Special Report #146

Noise

- 45. County Noise Ordinance

Hazards & Hazardous Materials

- 46. Section 21151.4 of California Public Resources Code
- 47. State Department of Toxic Substances, Hazardous Waste and Substances Sites List
- 48. County Office of Emergency Services Emergency Response Plan [1994 version]**

Transportation/Traffic

- 49. Transportation Research Board, "Highway Capacity Manual", Special Report 209, 1995.
- 50. SCC Congestion Management Agency, "2000 Monitoring and Conformance report"
- 51. Official County Road Book**
- 52. County Off-Street Parking Standards**
- 53. Site-specific Traffic Impact Analysis Report**

*Items listed in bold are the most important sources and should be referred to during the first review of the project, when they are available. The Analyst should refer to the other sources for a particular environmental factor if the former indicate a potential environmental impact.

AGRICULTURAL MITIGATION POLICIES

Background

LAFCO's mission is to discourage urban sprawl, preserve open space and prime agricultural lands, promote the efficient provision of government services and encourage the orderly formation of local agencies. LAFCO will consider impacts to agricultural lands along with other factors in its evaluation of proposals. LAFCO's Urban Service Area (USA) Amendment Policies discourage premature conversion of agricultural lands, guide development away from existing agricultural lands and require the development of existing vacant lands within city boundaries prior to conversion of additional agricultural lands. In those cases where LAFCO proposals involve conversion of agricultural lands, LAFCO's USA Amendment Policies require an explanation of why the inclusion of agricultural lands is necessary and how such loss will be mitigated.

Purpose of Policies

The purpose of these policies is to provide guidance to property owners, potential applicants and cities on how to address agricultural mitigation for LAFCO proposals and to provide a framework for LAFCO to evaluate and process in a consistent manner, LAFCO proposals that involve or impact agricultural lands.

General Policies

1. LAFCO recommends provision of agricultural mitigation as specified herein for all LAFCO applications that impact or result in a loss of prime agricultural lands as defined in Policy #6. Variation from these policies should be accompanied by information explaining the adequacy of the proposed mitigation.
2. LAFCO encourages cities with potential LAFCO applications involving or impacting agricultural lands to adopt citywide agricultural mitigation policies and programs that are consistent with these policies.
3. When a LAFCO proposal impacts or involves a loss of prime agricultural lands, LAFCO encourages property owners, cities and agricultural conservation agencies to work together as early in the process as possible to initiate and execute agricultural mitigation plans, in a manner that is consistent with these policies.
4. LAFCO will work with agricultural entities, the County, cities and other stakeholders to develop a program and public education materials to improve the community's understanding of the importance of agriculture in creating sustainable communities within Santa Clara County.
5. LAFCO will review and revise these policies as necessary.

Definition of Prime Agricultural Lands

6. Prime agricultural land as defined in the Cortese Knox Hertzberg Act means agricultural land that meets **any** of the following qualifications:
 - a. Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
 - b. Land that qualifies for rating 80 through 100 Storie Index Rating.
 - c. Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.
 - d. Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
 - e. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

Mitigation Recommendations

7. Proposals involving the conversion of prime agricultural lands should provide one of the following mitigations at a not less than 1:1 ratio (1 acre preserved for every acre converted) along with the payment of funds as determined by the city / agricultural conservation entity (whichever applies) to cover the costs of program administration, land management, monitoring, enforcement and promotion of agriculture on the mitigation lands:
 - a. The acquisition and transfer of ownership of agricultural land to an agricultural conservation entity for permanent protection of the agricultural land.
 - b. The acquisition and transfer of agricultural conservation easements to an agricultural conservation entity for permanent protection of the agricultural land.
 - c. The payment of in-lieu fees to an agricultural conservation entity that are sufficient to fully fund*:
 1. The cost of acquisition of agricultural lands or agricultural conservation easements for permanent protection, and

2. The cost of administering, managing, monitoring and enforcing the agricultural lands or agricultural conservation easements, as well as the costs of promoting agriculture on the mitigation lands.

* with provisions for adjustment of in-lieu fees to reflect potential changes in land values at the time of actual payment

8. Agricultural lands or conservation easements acquired and transferred to an agricultural conservation entity should be located in Santa Clara County and be lands deemed acceptable to the city and entity.
9. The agricultural mitigation should result in preservation of land that would be:
 - a. Prime agricultural land of substantially similar quality and character as measured by the Average Storie Index rating and the Land Capability Classification rating, and
 - b. Located within a city's sphere of influence in an area planned/envisioned for agriculture, and
 - c. That would preferably promote the definition and creation of a permanent urban/agricultural edge.
10. Because urban/non-agricultural uses affect adjacent agricultural practices and introduce development pressures on adjacent agricultural lands, LAFCO encourages cities with LAFCO proposals impacting agricultural lands to adopt measures to preserve adjoining agricultural lands, to prevent their premature conversion to other uses, and to minimize potential conflicts between the proposed urban development and adjacent agricultural uses. Examples of such measures include, but are not limited to:
 - a. Establishment of an agricultural buffer on the land proposed for development. The buffer's size, location and allowed uses must be sufficient to minimize conflicts between the adjacent urban and agricultural uses.
 - b. Adoption of protections such as a Right to Farm Ordinance, to ensure that the new urban residents shall recognize the rights of adjacent property owners conducting agricultural operations and practices in compliance with established standards.
 - c. Development of programs to promote the continued viability of surrounding agricultural land.

Agricultural Conservation Entity Qualifications

11. The agricultural conservation entity should be a city or a public or non-profit agency. LAFCO encourages consideration of agricultural conservation entities that:

- a. Are committed to preserving local agriculture and have a clear mission along with strategic goals or programs for promoting agriculture in the areas that would be preserved through mitigation,
- b. Have the legal and technical ability to hold and administer agricultural lands and agricultural conservation easements and in-lieu fees for the purposes of conserving and maintaining lands in agricultural production and preferably have an established record for doing so, and
- c. Have adopted written standards, policies and practices (such as the Land Trust Alliance's "Standards and Practices") for holding and administering agricultural lands, agricultural conservation easements and in-lieu fees and are operating in compliance with those standards.

Timing and Fulfillment of Mitigation

- 12. LAFCO prefers that agricultural mitigation be in place at the time of LAFCO approval or as soon as possible after LAFCO approval. The mitigation (as detailed in the Plan for Mitigation) should be fulfilled no later than at the time of city's approval of the final map, or issuance of a grading permit or building permit, whichever occurs first.
- 13. Cities should provide LAFCO with information on how the city will ensure that the agricultural mitigation is provided at the appropriate time.
- 14. Cities should provide LAFCO with a report on the status of agricultural mitigation fulfillment every year following LAFCO approval of the proposal until the agricultural mitigation commitments are fulfilled.
- 15. The agricultural conservation entity should report annually to LAFCO on the use of the in-lieu fees until the fees have been fully expended.

Plan for Mitigation

- 16. A plan for agricultural mitigation that is consistent with these policies should be submitted at the time that a proposal impacting agricultural lands is filed with LAFCO. The plan for mitigation should include all of the following:
 - a. An agreement between the property owner, city and agricultural conservation entity (if such an entity is involved) that commits the property owner(s) to provide the mitigation for the loss of prime agricultural lands and establishes the specifics of the mitigation. The agreement should specify:
 - 1. The type of mitigation that will be provided in order to mitigate for conversion of agricultural lands. (purchase of fee title or easement or payment of in-lieu fees)
 - 2. The agricultural conservation entity that will be involved in holding the lands, easements, or in-lieu fees.

3. The acreage that would be preserved through mitigation and /or the amount of in-lieu fees that would be paid (with provisions to adjust fees to reflect land values at time of payment) along with the methodology adopted by the entity for calculating the in-lieu fees.
 4. The location of the mitigation lands, when possible.
 5. Information on the specific measures adopted by the city as encouraged in Policy #10 (mitigation for impacts to adjacent agricultural lands)
 6. The time-frame within which the mitigation will be fulfilled, which should be no later than at the time of city's approval of the final map, or issuance of the grading permit or building permit, whichever occurs first.
 7. The mitigation agreement is to be contingent on LAFCO approval of the proposal.
17. Upon LAFCO approval of the proposal, the agreement should be recorded with the County Recorder's office against the property to be developed.
 18. Applicant should provide all other supporting documents and information to demonstrate compliance with these policies.